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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 RICHARD CHAPEL,

9 Plaintiff,

10 v.

11 UNITED STATES SECRETARY OF  
12 THE TREASURY,

13 Defendant.

CASE NO. C11-5609BHS

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION

14 This matter comes before the Court on Plaintiff Richard Chapel's ("Chapel")  
15 motion for reconsideration (Dkt. 20). The Court has reviewed the brief filed in support of  
16 the motion and the remainder of the file and hereby denies the motion for the reasons  
17 stated herein.

18 **I. PROCEDURAL HISTORY AND FACTUAL BACKGROUND**

19 On August 11, 2011, Chapel filed a complaint against Defendant United States  
20 Secretary of the Treasury ("Secretary"). Dkt. 1. Chapel alleges that he "has been  
21 significantly damaged by the agenda of the Congress of the United States, prior to the  
22 housing market collapse of 2008," and that he "continues to be further damaged by the  
23 failure/refusal of the Department of the Treasury, to allow or permit the relief that  
24 Congress has provided through the passage of the Troubled Assets Relief Program." *Id.*,

25 ¶ 1.  
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1 Chapel alleges that he purchased property in 2008, shortly before the real estate  
2 market collapsed, and that a recent appraisal of his property revealed that it was worth  
3 less than his mortgage. *Id.* ¶¶ 7.1, 7.3. Chapel requests an order requiring the Secretary  
4 to modify his mortgage with Bank of America by reducing the principal to \$129,000 and  
5 the interest rate to two percent. *Id.*, ¶¶ 15.1, 15.3.

6 Chapel asserts four causes of action: (1) Section 109(c) of the Emergency  
7 Economic Stabilization Act of 2008 (“EESA”) requires the Secretary to consent to a  
8 modification of the mortgage; (2) the failure to modify his loan violates Title VII of the  
9 Civil Rights Act; (3) the devaluation of his property constitutes a taking under the Fifth  
10 Amendment of the United States Constitution; and (4) the devaluation of his property  
11 constitutes a tax. *Id.*, ¶¶ 8.1-13.3.

12 On October 31, 2011, the Secretary filed a motion to dismiss. Dkt. 13. On  
13 January 3, 2012, the Court granted the motion. Dkt. 18. On February 1, 2012, Chapel  
14 filed a motion for reconsideration. Dkt. 20.

## 15 **II. DISCUSSION**

16 As a threshold matter, motions for reconsideration “shall be filed within fourteen  
17 days after the order to which it relates is filed.” Local Rule CR 7(h)(2). Chapel filed his  
18 motion well over fourteen days after the Court issued its order. Therefore, Chapel’s  
19 procedural error is sufficient grounds to deny his motion.  
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21 With regard to the merits, motions for reconsideration are governed by Local Rule  
22 CR 7(h), which provides as follows:

23 Motions for reconsideration are disfavored. The court will ordinarily deny  
24 such motions in the absence of a showing of manifest error in the prior  
25 ruling or a showing of new facts or legal authority which could not have  
been brought to its attention earlier with reasonable diligence.


26 Local Rule CR 7(h)(1).  
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1 In this case, Chapel argues that the Court's decision is wrong as a matter of law  
2 because "Congress alone is ultimately responsible for the entire housing bubble and its  
3 busting." Dkt. 20 at 3. Chapel's arguments fail to meet his burden. Therefore, the Court  
4 denies his motion.

5 **III. ORDER**

6 Therefore, it is hereby **ORDERED** that Chapel's motion for reconsideration (Dkt.  
7 20) is **DENIED**.

8 DATED this 10th day of February, 2012.

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11 BENJAMIN H. SETTLE  
12 United States District Judge  
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